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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHEFS DIET ACQUISITION CORP. d/b/a  
CHEFS DIET,

Plaintiff,

-against-

LEAN CHEFS, LLC, NICHOLAS ZAZZA  
and ARTHUR GUNNING,

Defendants.

14-CV-8467 (JMF)

**DECLARATION OF MARTIN S. SIEGEL**

I, Martin S. Siegel, declare and state pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney admitted to the Bar of the State of New York, and a partner of the law firm of Golenbock Eiseman Assor Bell & Peskoe LLP, counsel of record for Plaintiff in Case No. 14-CV-8467. I submit this declaration in opposition to Defendants' motion for summary judgment.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts of the August 1, 2015 deposition transcript of Brenda Utilla. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

3. Attached hereto as Exhibit B is a true and correct copy of the Declaration of Joseph Maniscalco in opposition to Defendants' Motion for Summary Judgment, March 30, 2016.

4. Attached hereto as Exhibit C is a true and correct copy of excerpts of the November 25, 2014 deposition transcript of Joseph Maniscalco. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

5. Attached hereto as Exhibit D is a true and correct copy of the Declaration of Joseph Maniscalco in Support of Plaintiff's Proposed Order to Show Cause for Preliminary Injunction, dated November 24, 2014.

6. Attached hereto as Exhibit E is a true and correct copy of the Reply Declaration of Joseph Maniscalco in Support of Plaintiff's Proposed Order to Show Cause for Preliminary Injunction, dated February 6, 2015.

7. Attached hereto as Exhibit F is a true and correct copy of U.S. trademark registration no. 3743541 for Chefs Diet, dated July 22, 2008 and excerpted from the Trademark Principal Register of the United States Patent and Trademark Office.

8. Attached hereto as Exhibit G is a true and correct copy of U.S. trademark registration no. 34704634 for Chefs Diet, dated April 1, 2008 and excerpted from the Trademark Principal Register of the United States Patent and Trademark Office.

9. Attached hereto as Exhibit H is a true and correct copy of excerpts of the January 19, 2015 deposition transcript of Nicholas Zazza. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

10. Attached hereto as Exhibit I is a true and correct copy of Plaintiff's Requests for Admission Served in Accordance with the Orders of October 30, 2014 and December 8, 2014,

dated December 12, 2014, together with Defendants' Responses to Plaintiff's Requests for Admissions dated January 13, 2015.

11. Attached hereto as Exhibit J is a true and correct copy of excerpts of the January 17, 2015 deposition transcript of Arthur Gunning. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

12. Attached hereto as Exhibit K are a true and correct copy of a series of emails among Zazza, CDAC and U.S. Web concerning marketing.

13. Attached hereto as Exhibit L is a true and correct copy of a Stipulation and Interim Order dated February 23, 2015.

14. Attached hereto as Exhibit M is a true and correct copy of excerpts of the May 22, 2015 deposition transcript of Kevin Glodek. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

15. Attached hereto as Exhibit N is a true and correct copy of Defendants' expert disclosure of Bruce Webster, dated January 12, 2015.

16. Attached hereto as Exhibit O is a true and correct copy of the Declaration of Misha Podlog in Support of Defendants' Proposed Order to Show Cause, dated October 27, 2014.

17. Attached hereto as Exhibit P is a true and correct copy of an email dated Thursday, November 4, 2010 from Rama Krishna to various parties.

18. Attached hereto as Exhibit Q is a true and correct copy of excerpts of the July 22, 2015 deposition transcript of Lance Friedman. A full version of this deposition transcript will also be made available to the Court on CD-ROM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2016, in New York, NY.

/s/ Martin S. Siegel  
MARTIN S. SIEGEL